

### **REMARKS**

The present Amendment is in response to the Office Action mailed July 14, 2009. Claims 60, 61, 63, 65, 70, 71, 74, 77, 79, 81, and 83 are amended. Claims 72 and 73 are canceled. Claims 60-71 and 74-87 are pending.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **Interview Summary**

On September 16, 2009, Applicants' attorney conducted a telephone interview with the Examiner. The Examiner indicated that the claims as amended likely overcame the cited portions of the cited art, but that further analysis of the cited art and an updated search would be needed.

### **Rejection under 35 U.S.C. §112**

Claims 60-87 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, claims 60, 70, and 77 are rejected as failing to indicate which entity accesses the information account. As noted in the previous response, Applicants respectfully assert that claims 60 and 70 are method claims and contain elements recited as actions taken to perform the claimed method. It is readily apparent that steps for which no performing entity is recited could be performed by any entity and therefore no clarification is needed. However by this amendment

claims 60 and 70 have been amended to recite “accessing by means of the host server...” and “accessing by the central depository,” respectively, rendering the rejection moot.

As noted in the previous response with respect to claim 77, the preamble recites “A computer readable medium having stored thereon computer-executable instructions comprising instructions effective to cause a computer to” perform the recited actions. It is therefore clear that the computer executing the computer-executable instructions is performing the recited steps.

### **Rejection under 35 U.S.C. §103**

The Examiner rejects claims 60-64 and 66-69 under 35 U.S.C. §102(e)<sup>1</sup> in view of *Bui* (U.S. Publication No. 2009/0157531). Applicant respectfully asserts that because *Bui* fails to teach or suggest each and every element of the claims anticipation has not been established.

*Bui* teaches a method wherein a customer wishing to make a purchase is enabled to click a “transfer information link” of an information service web site in order to request that customer information be provided to the merchant. Paragraph 36. The information service “authenticates the customer, preferably by requesting that the customer provide the [a] user ID and password.” Paragraph 37 (reference numerals removed). Following authentication, the customer’s information is provided by the information service to the merchant. Paragraph 37.

In contrast amended claim 60 recites, in combination with other elements, “receiving a ticket at a host server from a consumer via a client device to perform a transaction, the ticket identifying selected information elements and including authorization from the client device for a vendor server to access the selected information elements from an information account associated with the consumer and maintained in a central data repository and accessible via a distributed network, the information account comprising a plurality of consumer information elements accessible and modifiable by the consumer; interacting with a vendor server to request the transaction; and accessing by means of the host server the information account to retrieve & the selected information elements and providing the selected information elements to the vendor server to complete the transaction.”

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<sup>1</sup> Because *Bui* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Bui* is in fact prior art to the claims but reserve the right to swear behind *Bui* if necessary to remove it as a reference.

As noted above, in the transaction between the merchant and the customer in *Bui*, only the user ID and password are provided by the customer. The transaction between the merchant and the customer does not include a “ticket identifying selected information elements” as recited in claim 60. *Bui* indicates that the information service may control the information provided based on the type of merchant. Paragraph 39. However, there is nonetheless no teaching or suggestion of any “ticket identifying selected information elements” from the client device. A customer in the system of *Bui* may establish preferences at the information service for information that is released or specify which merchants are allowed to receive information (see Paragraph 40). However, requests for information still include only the user ID and password as noted above and therefore still do not constitute a “ticket identifying selected information elements” from the client device.

Claims 70 and 77 are allowable for at least some of the reasons noted above with respect to claim 60.

Claims 61-64, 66-69, 71-73, 75-76, 78-82, and 84-87 are dependent on claims 60, 70, and 77, respectively, and are therefore allowable for at least this reason.

**Rejection under 35 U.S.C. §103**

Claims 65, 74, and 83 are rejected under 37 U.S.C. 103(a) in view of *Bui* and *Walker*. *Walker* has been cited as teaching the use of an equipment identifier for authentication. Applicant respectfully asserts that this disclosure of *Walker* fails to remedy the deficiencies of *Bui* noted above with respect to claims 60, 70, and 77, upon which claims 65, 74, and 83 depend. Claims 65, 74, and 83 are therefore allowable for at least this reason.

**CONCLUSION**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 9th day of October, 2009

Respectfully submitted,

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